Hon. Don Edwards, Calif.
House of Representatives
Washington, DC, 20510

1/26/93

Dear Don,

Opposition to your defense of FBI Director Sessions seems to center on the OPR report on him. From my experience with the OPR it has been the whitewasher of FBI offenses, including repetitious and undenied and proven perjury. In this refer to the element within the FBI that appears to be involved in the effort to get rid of Sessions, those who oppose the changes he supports and from my experiences are long overdue.

The concluding paragraph in today's Post's story reads, "But Department officials familiar with the case against Sessions dismiss suggestions that the report was politically motivated, noting it was initiated and conducted by the OPR, an office with no political appointees. 'Barr played no role in the inquiry,' said one knowledgeable official, saying the former attorney general wasn't even consulted on the report until it was finished."

Whether or not this all began within OPR, which I doubt very much, Barr knew enough to know he would not have to lift a finger or say a word.

Going back to before the OPR's report on the FBI and Dr. King, it has refused to do anything at all about the allegations of perjury. I finally stopped sending them to it. My allegations- and in all cases absolute proof of it - began in my CA 75-1996, which was for the FBI's records relating to the King assassination - which the OPR whitewashed to the degree it could hope to get away with.

It seems to me that the felony of perjury is a more serious offense than ~~the~~ three alleged against Director Sessions. It undermines the independence of the judiciary and it was perpetrated to violate the law - the law that says the people have a right to know what the FBI, among other agencies, did and does.

In an effort that never came close to succeeding I made myself subject to the penalties of perjury in my allegations of it. The issue could not have been more material in FOIA litigation, whether the records sought existed and whether a search had been made for them.

The traditional FBI bureaucrats were so certain that OPR would ignore all allegations of perjury against it that when I filed these charges with the FBI, it sent them to OPR. Which never once did anything. Never even asked me to provide any proofs I had not filed with the FBI or in court.

Aside from frustrating and violating the law this FBI perjury was quite costly. It is the means by which cases were stonewalled for a decade. Literally! Especially the King case, which involves FBI facism.

I hope ypu can take a look at the OPR and ask it to produce these complaints about

FBI felonies and what it did about them.

The John Hartingh referred to in an earlier story as a former Sessions assistant did more than any single FBI SA to frustrate compliance in my King case. Before it was over he was promoted to the Office of General Counsel. I do not recall whether his representations were at any time under oath or not but he sure lied his head off in that case- and got away with it.

He was followed by SA John N. Phillips, who was also the FOIA case agent in my CAs 78-0322/0420 combined. His was the most uninhibited and most common perjury. I am not certain now but I ~~[illegible]~~ think he also was promoted.

Whether or not it bears on traditionalist FBI prejudice against Sessions over his effort to reduce if not eliminate racism, in this King FOIA case the clerk who was an analyst and made most records look like ~~cheesecake~~ Swiss cheese and systematically withheld what should not have been withheld was promoted to special agent long before that case was over. What kind of job did he do? The Department's ~~own~~ EXPERT witness testified that the records required reprocessing. Which never happened.

I'll be 80 in a few ~~[illegible]~~ days, I've not been well for years, so my memory may not be completely accurate. However, I am certain that in all my many FOIA lawsuits the FBI did swear falsely and in most if not all it was perjury. The Congress amended the investigatory files exemption in 1974 over FBI false swearing in one of my earlier cases in which I sought only the non-secret records of the scientific testing in the JFK assassination investigation.

I am not ~~[illegible]~~ anti-FBI. When I worked for the Senate I spent four months working in the field in the "Bloody Harlan" case with it and was friends with the SAs, all of whom were fine men. One remained a friend until his death. I regard it as one of our most important agencies. But my long experiences with it convince me that Sessions was going in the right direction and that what underlies what has happened to him includes if it does not begin with internal opposition to those reforms.

In the event you do take a look into the OPR, as I do hope very much you can and will, a bit of trivia that may or may not have relevance. During the earlier days of my King FOIA lawsuit Michael Shaheen announced that he would soon leave the Department and return to Memphis where as I recall he had clerked for the judge in the Ray evidentiary hearing, MacCrae. Shaheen said he would practise law. (The judge held, when I handled the evidence produced for Ray largely by Jim Lesar, that guilt or innocence were immaterial to what was before him. We literally exculpated Ray.) And Shaheen did not leave the Department. He remained to protect the FBI from its perjury and in some instances perhaps its subornation by Department counsel.

I do not know how much Lesar recalls. If you are interested, his phone is 393-1921.

Best wishes, Harold Weisberg

P.S. If your oversight does not extend to the OPR, it does include the FBI and you have, I think, a perfect right to ask OPR to give you all its records of complaints against the FBI and its disposition of each one.

If I had any way of getting to Sessions that those around him would not intercept, I'd suggest this to him. He is still the FBI's Director. I think it would enable him to do a little house cleaning with benefit to the agency and an educational experience for its employees, especially those trying to oust him.